

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

DAVID MAGEE

Plaintiff

v.

F/V IT AIN'T EASY and
GRACE FISHING, INC.

Defendants

* C.A. NO.: 04-CV-11215 RCL
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JOINT STATEMENT

The parties in the above captioned action submit the following Joint Statement in accordance with the electronically filed Notice of Scheduling Conference dated September 21, 2004, and pursuant to the provisions of Fed. R. Civ. 16(b) and Local Rule 16.1. An initial Scheduling Conference will be held at 2:30 p.m. on Wednesday, October 6, 2004.

I. Obligation of Counsel to Confer

Counsel for the parties have conferred in accordance with the provisions of Local Rule 16.1 (b). Discovery is proceeding in accordance with Local Rule 26 and a proposed joint discovery plan is contained below.

II. Settlement Proposals

The Plaintiff has presented by facsimile and by Regular United States Mail on September 22, 2004, a Written Settlement Proposal to the Defendant in compliance with Local Rule 16.1. Defense counsel shall confer with an authorized representative of their client on the subject of settlement and shall be prepared to respond to the proposal at the Scheduling Conference.

III. Proposed Discovery Plan

The above entitled action was filed with this Court on or about June 4, 2004. . Pursuant to Rule 16(b) of the Fed. R. Civ. P. and Local Rule 16.1 (E), the parties propose the following:

1. All amendments and/or supplements to the pleadings to be filed by December **1**, 2004.
2. All factual depositions are to be completed by March **1**, 2005 .
3. The Plaintiff shall designate trial experts and shall disclose the information contemplated by Fed. R. Civ. P. 26(a)(2)(b) by May **1,2005**. The Defendant shall designate trial experts and shall disclose the information contemplated by Fed. R. Civ. P. 26(a)(2)(B) by June **1,2005**.
4. All expert depositions to be completed by August **1,2005**.
5. All dispositive motions, and/or motions for summary judgment, are to be filed by September **1**, 2005.
6. A final pretrial conference will be held on or about October **1,2005**, unless dispositive motions remain pending at that time.

IV. Trial by Magistrate Judge

The Plaintiff reserves the right to proceed before a magistrate judge.

The Defendant consents to trial by magistrate judge.

V. Certifications

The parties certify that counsel and their clients have conferred with a view to establish a budget for litigation and alternative dispute resolution. The certifications will be filed under separate cover.

For the plaintiff:

/s/ David B. Kaplan

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For the defendant:

/s/ Syd A. Saloman

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Dated: October 5, 2004